

# IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION VACATING THUNDER CANYON ROAD (County Road 4297)  
BY SUMMARY VACATION NEAR CAYUCOS,  
SUPERVISORIAL DISTRICT NO. 2**

The following resolution is now offered and read:

**WHEREAS**, Thunder Canyon Road was created by resolution accepting an Indenture from Alexander Taylor, et ux recorded in Book 591, Page 590-593, in the official records of the County of San Luis Obispo, more particularly described in Attachment "A," attached hereto and made a part hereof; and

**WHEREAS**, Thunder Canyon Road as described in Attachment "A" (hereafter, the "Subject Area") is identified in the County Maintained Road System as Road 4297, lies entirely within property under one ownership, does not continue through such ownership or end touching property of another; and

**WHEREAS**, the owner of the affected property has requested vacation of the Subject Area; and

**WHEREAS**, this vacation is made pursuant to California Streets and Highways Code Section 8334 (b); and

**WHEREAS**, the Subject Area is unnecessary for present or prospective public use and the County Director of Public Works has recommended abandonment by Summary Vacation; and

**WHEREAS**, the Planning Commission considered the proposed vacation and reported on June 12, 2014, that said vacation is in conformity with the General Plan; and

**WHEREAS**, Section 21084 of the California Environmental Quality Act (CEQA) specifies that certain classes of projects do not have a significant effect on the environment, and Section 15301(c) of the State CEQA guidelines provides that the minor alteration of existing public highways and streets is exempt from the requirements of CEQA where no unusual environmental circumstances exist, and

**WHEREAS**, it is in the public interest that the Subject Area be vacated.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that the Subject Area, more particularly described in Attachment "A" attached hereto and made a part hereof, is unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 892, that the Subject Area is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 887.
4. That it be and hereby is ordered that said Subject Area, near Cayucos, and more particularly described in Attachment "A" attached hereto and made a part hereof, is vacated.
5. That in support of this Board's decision to summarily vacate said Subject Area, this Board makes the following findings:
  - a. Vacation of Subject Area will not impair public or private access.
  - b. Vacation of Subject Area will not affect existing traffic circulation.
  - c. The Subject Area lies entirely within property under one ownership, does not continue through such ownership or end touching property of another.
  - d. This vacation is in the public interest.
6. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Director that said vacation of Thunder Canyon Road, County Road No. 4297, is in conformity with the General Plan.
7. That the road vacation is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c) of the State CEQA Guidelines because the action consists of a minor alteration of an existing public highway where no unusual environmental circumstances exist.
8. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
9. That upon such recordation, the vacation is complete.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: June 10, 2014

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STATE OF CALIFORNIA,     }  
County of San Luis Obispo,   } ss.

I, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

## **ATTACHMENT A**

### **Legal Description**

All of Thunder Canyon Road, County Road Number 4297, as described in the Board of Supervisors Resolution recorded December 29, 1950, in Volume 591 of Official Records at Page 590 in the Office of the County Recorder, County of San Luis Obispo, State of California.

**Reserving,** unto Pacific Telephone Company, a California Corporation dba AT&T California, any easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing telephone communications facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.